IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8241 OF 2006

Mr.Rajesh Bhagwan Koli ..Petitioner.

Vs.

Uran Municipal Council
& Anr. ..Respondents.

Mr.P.K.Dhakephalkar with Ms.Sunita Gaidhani for the Petitioner.

Mr.S.B.Shetye for Respondent No.1.

Mr.N.Y.Walawalkar with Mr.Sudhir Prabhu for Respondent No.2.

CORAM : S.J. VAZIFDAR, J.
DATED : 11TH JANUARY, 2007

P.C. :

The Petition warrants no interference under Article 227. I am unable to say that the reasoning of the learned Judge is based on no valid or cogent grounds while exercising his powers under the Act and the rules. The exercise of discretion in accepting the documents tendered by Respondent No.2 in respect of the date of birth of the fourth child cannot be said to be invalid.

2. The main document is the birth certificate issued by the Gram Panchayat under the provisions of

the Birth and Deaths Act, 1969. The learned Judge also observed that the returning officer had called for information from the Panchayat Samiti in order to ascertain the correctness of the certificate. It is thereafter that the returning officer accepted the same. In view thereof, the learned Judge did not consider the returning officer's decision as being wrong. I am unable to say that the reasoning of the learned District Judge is totally erroneous.

3. Added to this, is the fact that an election petition has already been filed by the Petitioner. There are no doubt certain facts, such as, the birth certificate issued by the school. which if established, would support the Petitioner's case.

4. This is a fit matter for expedition. I would therefore request the learned District Judge to dispose of Election Petition No.2 of 2006 as expeditiously as possible and preferably by 1st September, 2007.

Writ Petition is accordingly disposed of.